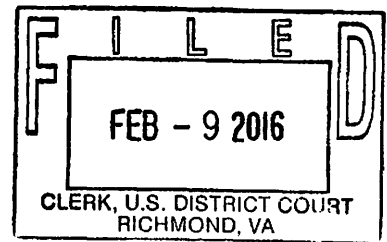


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



KEYON SANTE HARDY,

Petitioner,

v.

Civil Action No. 3:13CV747

HAROLD CLARKE,

Respondent.

MEMORANDUM OPINION

Keyon Sante Hardy, a Virginia inmate proceeding pro se, filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. In his 28 U.S.C. § 2254 Petition, Hardy claimed that he failed to receive proper credit against his sentence for time spent in custody. Since the filing of his § 2254 Petition, Petitioner has been released from custody. Accordingly, by Memorandum Order entered on January 8, 2016, the Court directed Hardy, within eleven (11) days of the date of entry thereof, to show cause why the present action should not be dismissed as moot. See Spencer v. Kemna, 523 U.S. 1, 10 (1998); Wallace v. Jarvis, 423 F. App'x 328, 328 (4th Cir. 2011) (citations omitted).

More than eleven (11) days have elapsed since the entry of the January 8, 2016 Memorandum Order and Hardy has not responded. Accordingly, the action will be dismissed as moot. The Court will DENY a certificate of appealability.

The Clerk is directed to send a copy of the Memorandum Opinion to Hardy and counsel for Respondent.

It is so ORDERED.

/s/ *REP*

Robert E. Payne
Senior United States District Judge

Richmond, Virginia
Date: February 8, 2016